



Pillsbury Winthrop Shaw Pittman LLP
31 West 52nd Street | New York, NY 10019-6131 | tel 212.858.1000 | fax 212.858.1500

Carolina A. Fornos
tel: 212.858.1558
carolina.fornos@pillsburylaw.com

June 2, 2023

BY ECF

The Honorable Ann M. Donnelly
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Henkin, et al. v. Qatar Charity, et al.*, 1:21-cv-05716-AMD-VMS

Dear Judge Donnelly:

We write on behalf of Defendants Masraf Al Rayan and Qatar Charity in the above-referenced action pursuant to Your Honor’s order dated May 25, 2023, to advise the Court that Defendants will not oppose Proposed Intervenors’ motion to file an Intervenor Complaint which seeks to add four new plaintiffs but no new allegations to the above referenced action. (ECF Nos. 94-95). However, there are at least two legal defects in the Intervenor Complaint which warrant consideration prior to granting the motion.

First, the Intervenor Complaint names Qatar National Bank (“QNB”) as a defendant, yet all claims against QNB have been dismissed and Proposed Intervenors cannot now add a dismissed party.

Second, three of the four Proposed Intervenors lack standing because nieces and nephews are not relatives in “direct lineal relationships” with the injured U.S. national, so the Intervenor Complaint cannot state a claim for solatium damages. *See, e.g., Estate of Henkin v. Kuveyt Turk Katilim Bankasi, A.S.*, 495 F. Supp. 3d 144, 152 (E.D.N.Y. 2020); *Smith ex rel. Smith v. Islamic Emirate of Afg.*, 262 F. Supp. 2d 217, 236-37 (S.D.N.Y. 2003), amended on other grounds, No. 01-cv-10132 (HB), 2003 WL 23324214 (S.D.N.Y. May 19, 2003). Accordingly, if the Court allows the Intervenor Complaint to proceed, remaining Defendants Masraf Al Rayan and Qatar Charity reserve their right to move to dismiss the Intervenor Complaint at the same time they move to dismiss the remaining allegations on jurisdictional grounds, for failure to state a claim, or any other legal defect.

Respectfully submitted,

/s/ Carolina A. Fornos
Carolina A. Fornos
Aryeh L. Kaplan (*pro hac vice*)
Counsel for Defendant Masraf Al Rayan

cc: All counsel of record (by ECF)

www.pillsburylaw.com